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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/879,242 | 06/07/2001 | Andreas Wenzel | GR 98 P 5873 P | 4980 |

7590 09/25/2003

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| EXAMINER |
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KNOLL, CLIFFORD H

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| ART UNIT | PAPER NUMBER |
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2189

DATE MAILED: 09/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/879,242 | Applicant(s) WENZEL, ANDREAS | |
| | Examiner Clifford H Knoll | Art Unit 2189 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-4, 7, 9, 11, and 13, the "can be connected" is unclear because it is not clear if a limitation is being recited. Likewise the "dynamically modifiable."

Further regarding claim 1, the "used" ("when ... used", "how often ... used", "how long ... used") is unclear because its relationship to "using the bus" and "can be connected" is not clear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and ⁷⁻¹²7 rejected under 35 U.S.C. 102(e) as being anticipated by

Munguia (US 5845096).

Regarding claims 1 and 7, Munguia discloses a multimaster bus system and its method comprising a bus, a plurality of units and a default master (Figure 1), the default-master stipulation being based on criteria selected from the group consisting of when, how often, and how long the units are used on the bus (col.2, lines 38-44).

Regarding claims 2 and 9, Munguia discloses a multimaster bus system and its method comprising a bus, a plurality of units and a default master (Figure 1), and the one unit that has used the bus last being stipulated as the default master in the dynamically modifiable default-master stipulation (col.1, lines 46-52).

Regarding claim 3, Munguia discloses a multimaster bus system comprising a bus, a plurality of units and a default master (Figure 1), the one unit that needed the bus more frequently than any others of the plurality of the units in a preceding predetermined time period being stipulated as the default master (col.2, lines 38-44).

Regarding claims 8 and 10, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Regarding claim 11, Munguia discloses a multimaster bus method comprising providing a bus, a plurality of units and a default master (Figure 1), selecting a default master and in the stipulation selecting the unit that needed the bus more frequently than any others of the plurality of units in a preceding time period (col.4, lines 35-37).

Regarding claim 12, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Munguia in view of Jeddelloh (US 5778200).

Regarding claims 4 and 13, Munguia discloses a multimaster bus system and method comprising a bus, a plurality of units and a default master (Figure 1), the default master selected from the group consisting of particular units with weighting based on performance criteria (col.4, lines 54-58). While Munguia does not expressly disclose the need to access the bus frequently or rapidly, these limitations are disclosed by Jeddelloh. Jeddelloh discloses weighting criteria that include a particular unit that is expected to need to access the bus frequently, and a particular unit that is expected to need to access the bus rapidly (col.4, lines 24-30).

It would have been obvious, at the time of the invention was made, for one of ordinary skill in the art to have combined Jeddelloh with Munguia, because Munguia expressly does not limit the performance criteria to which his weighting is directed

(col.4, lines 54-58), while Jeddeloh points out the particular performance criteria that may be used when weighting.

Regarding claim 5, Munguia also discloses a program controlled unit that needs bus access, and the default master stipulation being based on an analysis selected from the group consisting of an analysis of an actual program cycle of the program controlled unit and an analysis of an expected program cycle of the program controlled unit (col.5, lines 6-11).

Regarding claims 6 and 14, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Regarding claim 15, Munguia also discloses selecting the default master based on an analysis selected from the group consisting of an analysis of an actual program cycle and an analysis of an expected program cycle in the program-controlled unit (col.5, lines 6-11).

Regarding claim 16, Munguia also discloses the stipulation based upon variable criteria and variable parameters (col.4, lines 51-58).

Therefore Munguia in view of Jeddeloh discloses the claimed invention.

Conclusion

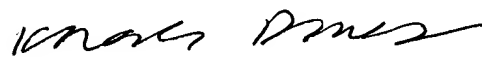
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fiebrich (US 5560016) discloses a dynamic arbitration as a function of relative request activity. Larson (US 5481680) discloses dynamic arbitration based on historical and current requests.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 703-305-8656. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.



chk

Khanh Dang
Primary Examiner